

S 4850

CONGRESSIONAL RECORD - SENATE

April 25, 1984

ministration will meet on Tuesday, May 1, 1984, at 9:30 a.m., in SR-301, Russell Building, to consider pending legislative and administrative business.

The following items on the committee's legislative agenda are scheduled for markup: An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1985; S. 2556, to authorize appropriations for the American Folklife Center of the Library of Congress for fiscal years 1985 through 1989; S. 2418, to authorize the construction of the Library of Congress Mass Book Deacidification Facility; an original resolution to authorize the purchase of U.S. Capitol Historical Society "We The People" 1985 calendars; and a number of original resolutions to pay gratuities to survivors of deceased Senate employees.

The committee will consider the following administrative business: Amendments to the mass mail regulations and a contract for the Senate Productivity Award.

A status report on office automation will also be presented.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. The Subcommittee on Employment and Productivity will hold hearings on the Job Training Partnership Act (JTPA) to examine whether the long-term goals of the act can be achieved. At this time, the subcommittee is soliciting requests to testify that address the following kinds of questions:

Does the structure of JTPA promote the ultimate goal of improving training opportunities for the disadvantaged and chronically unemployed that will lead to productive jobs in the private sector?

Do the administrative provisions of JTPA permit adequate flexibility and stability for program operation or are they burdensome?

Does JTPA provide adequate safeguards to insure a reasonable accountability of public funds and measurable returns on our training investment?

The transition from CETA to JTPA has been a national undertaking, occurring in every State and locality involving all levels of government and bringing in new participants from the private sector. Since the enactment of JTPA the focus has been on the details of meeting deadlines and sorting out questions regarding authority. Several studies documents the transition in great detail, enumerating the number and type of service delivery areas, private industry council members, and service deliveries.

Now that the job training plans for the 2-year program period have been developed, the subcommittee would like to shift the focus of attention. Rather than questioning how the transition occurred and decisions that

were made, the subcommittee would like to look at the broader, long-term goals of the act and the Federal role in promoting successful program operations.

The subcommittee is soliciting testimony that analyzes the interrelationship of components of JTPA and whether the structure contributes to program success. For example, how will the relationship between the performance standards and the cost limitations affect program participants and administrative decisions? Hearings will focus on whether the requirements of JTPA adequately reflect its underlying philosophy and provide a workable system for movement toward achieving the goals of the act.

Please submit requests to testify along with a written statement or a brief summary of the issues you wish to address to the attention of Renee Coe at the Labor and Human Resources Committee, SD426, Dirksen Senate Office Building, Washington, D.C. 20510. Time and locations for the hearings will be announced following a review of the responses received. Staff will also visit selected sites in order to seek further clarification of issues and concerns raised.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to hold a hearing to consider programs administered by the Food and Nutrition service—food stamps, child nutrition, and commodity distribution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to consider the nominations of Chapman Cox to be General Counsel of Defense, and James Webb to be Assistant Secretary of Defense for Reserve Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, at 10 a.m., to hold a hearing on the receipt of the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Commit-

tee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 25, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Alicemarie H. Stotler, of California, U.S. District Judge for the Central District of California; Lloyd D. George, of Nevada, to be U.S. District Judge for the District of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, to hold an oversight hearing on the Indian Child Welfare Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate at 2 p.m., on Wednesday, April 25, to hold a hearing on strategic defense and antisatellite weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ILLEGALITY OF THE SECRET WAR AGAINST NICARAGUA

Mr. KENNEDY. Mr. President, during the recent debate over funding for the Reagan administration's secret war against Nicaragua, many of us raised serious questions about the administration's willingness to comply with U.S. and international law.

In a recent article in the Los Angeles Times, Mr. David J. Scheffer, an associate of Harvard University's Center for International Affairs, presents a cogent critique of how the administration has bent to its purposes or ignored altogether at least four legal strictures:

The administration has abandoned the purpose of Executive Order No. 12333 in its public admissions of support for the Contras;

The administration has ignored clear congressional intent that covert assistance should not be used to overthrow the Sandinista government;

The administration's support for the Contras violates the U.N. Charter, the Organization of American States Charter, and the Rio Treaty;

Finally, a Federal district judge last November found enough merit in a lawsuit alleging violation of the 1794 Neutrality Act to order the Attorney General to conduct a preliminary investigation into U.S. support for the Contras.

I ask that the full text of this interesting analysis entitled "Law Is at the

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Breaking Point in CIA Aid to the Contras, be printed in the RECORD.

The analysis follows:

(From the Los Angeles Times, Apr. 3, 1984)

LAW IS AT THE BREAKING POINT IN CIA AID TO THE CONTRAS

(By David J. Scheffer)

This week Congress continues its debate over the Reagan Administration's request to funnel \$21 million via the Central Intelligence Agency to rebel forces battling Nicaragua's Sandinista government. The operation, still officially "covert," raises serious questions about the Administration's willingness to comply with U.S. and international law.

In its stated goal to protect "our strategic interests" against the spread of communism in Latin America, the Administration has so far bent at least four legal strictures to its purpose—or ignored them altogether.

First, there is the problematical CIA mandate, which was overhauled in the late 1970s in response to agency excesses. In addition to intelligence-gathering functions the CIA is empowered to conduct "special activities approved by the President" (this under Executive Order No. 12333, signed by President Reagan in 1981). These activities are to be "in support of national foreign-policy objectives abroad which are planned and executed so that the role of the U.S. government is not apparent or acknowledged publicly." But they should not be intended to "influence U.S. political processes, public opinion, policies or media."

In public references to the so-called contras' activities, Administration officials have almost exhausted their lexicon to admit the unadmittable. Reagan speaks in general terms of "supporting" the contras, describing them as democratic elements of the Nicaraguan revolution who have been shut out by the Sandinista government. Off the record, Administration officials confirm that the CIA is training and equipping the contras. Members of Congress routinely give reporters details about the size and type of the aid.

Is there any doubt that CIA support for the contras is both "apparent" and with any reasoned interpretation of Administration admissions, "acknowledged publicly"? Isn't it clear that the effect of the CIA operations is to influence not only Managua, Havana and Moscow but also U.S. public opinion, Congress and, perhaps, the 1984 elections?

The purpose of Executive Order No. 12333 has thus been abandoned.

Second, Congress has been clear in its intent that covert assistance should not be used to overthrow the Sandinista government. Until last December, the law explicitly prohibited use of funds by the CIA or the Department of Defense for that purpose, or for "provoking a military exchange between Nicaragua and Honduras."

Last year the Senate Select Committee on Intelligence labored for months to restrict the CIA operations to interdicting the flow of arms from Nicaragua to guerrillas in El Salvador. The Administration asserted that it would not try to overthrow the Sandinista government, with which it still maintains diplomatic relations. With that understanding, Congress scrapped the legal restrictions on the purposes for which the covert aid could be used. To meet its oversight role, Congress then imposed a limit—\$24 million—on 1984 expenditures for "military or paramilitary operations in Nicaragua."

Congress was misled; at a minimum it should restore explicit prohibitions on use of aid to overthrow the Nicaraguan government.

The *contras'* recent attacks on major oil and industrial facilities and their mining of Nicaraguan ports arouses deep suspicions about the actual use of CIA assistance. On Monday an anonymous "well-placed U.S. official" was quoted in this newspaper as predicting that an entire Nicaraguan army unit—3,000 men—would soon join the *contra* forces. To employ a favorite Reagan buzzword, how does the United States "verify" what the *contras* are doing? Are they using CIA training and supplies—and risking their lives—exclusively to stop the arms flow to El Salvador, rather than to further their expressed objective of toppling the Sandinista government?

Perhaps it doesn't matter. Regardless of the *contras'* true intentions and performance, Washington can continue to insist that whatever they do they are thwarting Nicaragua's ability to aid the Salvadoran insurgents.

Even if that somehow could be proved, U.S. participation in Nicaragua's guerrilla war and the U.S.-Honduran army maneuvers have undoubtedly heightened the possibility of a military exchange between Nicaragua and Honduras, where the anti-Sandinista rebels find sanctuary (and, presumably, their CIA advisers).

Third, the 1794 Neutrality Act makes it a criminal offense to furnish money or prepare for a military enterprise against a country at peace with the United States. Last November a federal district judge in San Francisco found enough merit in a lawsuit alleging violation of the Neutrality Act to order the attorney general to conduct a preliminary investigation into U.S. support for the anti-Sandinista rebels. The Justice Department has not commenced that investigation because the judge's ruling is still on appeal.

Finally, CIA support for the *contras* challenges international law. The charters of the United Nations and the Organization of American States, the Rio Treaty and various U.N. resolutions and declarations make a strong case for prohibiting U.S. military support to guerrilla groups seeking to overthrow the legitimate recognized government of a sovereign state.

Of course, Nicaragua also violates international law when it lends military assistance to guerrillas in El Salvador. But the CIA's "covert" operations are doubly unjustifiable, both in terms of international law and in the spirit of executive and legislative oversight of covert activities.

On both sides of the debate over aid to the *contras*, senators and members of the House typically argue whether such aid is in the national interest of the United States. They either ignore the legalities or attach them as addenda to their main arguments. Perhaps this year enough members of our legislature will agree that it is in the highest national interest to observe the rule of law. ●

VISIT OF ARGENTINE FOREIGN MINISTER DANTE CAPUTO

● Mr. KENNEDY. Mr. President, 2 weeks ago I had the honor to meet with the new Foreign Minister of Argentina, Mr. Dante Caputo, a thoughtful and vigorous advocate of the new democratic government's policies. During this first official visit to Washington, Mr. Caputo delivered an insightful speech to the National Press Club. He discussed basic problems in Latin American relations with the United States stemming from different emphases on security.

Comparing the development of post-war United States-European relations with United States-Latin American relations, Mr. Caputo made an extraordinary point—that our security concerns in Latin America did not have the same link with freedom and prosperity that had been established in Europe.

What meaning can there be in defending the freedom you do not enjoy or protecting a prosperity you do not have? Mr. Caputo asked. Hence, every time the United States tried to preserve its security interest by developing ties with the dominant minorities in Latin America, the result has been conflict and controversy.

Mr. Caputo expressed his concern that United States and Latin American points of view might drift apart to the point of closing off candid dialog. But he also offered the hope that once democracy earns the predominant position in Latin American politics, the United States concern for its security will no longer be seen as an "attempt to exercise hegemony" because democracy will be more than "empty rhetoric."

For all my colleagues who share these concerns and hopes, I strongly commend Mr. Caputo's speech. I submit the full text of his speech for the RECORD.

The text follows:

SPEECH DELIVERED BY THE FOREIGN MINISTER OF ARGENTINA, DANTE CAPUTO, AT THE NATIONAL PRESS CLUB

Ladies and Gentlemen: Last year the Argentine people in a free election put an end to half a century of political frustration and tragedy which has had, and still has, serious economic and social consequences. In that election Raúl Alfonsín obtained more than half the votes and received a clear mandate to rebuild the economy and to restore democracy, protect freedom, guarantee pluralism, human rights, and the due process of law..

To understand the magnitude of the challenge faced by my government it is perhaps useful to recall briefly, the evolution of our country in the last 50 years.

In 1930 Argentina had one of the largest income per capita in the world.

Though our land was rich, and the nature of our people and our society was such that it promised a future of peace, prosperity, freedom, and justice, that future never came about.

In the last fifty years we have not prospered, but rather we have lived from crisis to crisis. A fact which resulted in poverty and even hunger for many Argentines. Instead of freedom, we were frequently subjected to authoritarian rule. Instead of peace and justice, we suffered violence, intolerance, and inequalities.

Today my government is committed to change these conditions by turning the democratic faith of our people into a living reality.

We do not doubt that these democratic goals are also shared by the people of the United States. Yet, despite this coincidence in values, there have been—and still are—problems between our two countries. I am speaking about the kind of difficulties that are systematically present in the relations between the United States and the majority of the Latin American countries.

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